



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,059	09/26/2003	Stefan Baggstrom	944-1.117	1237

4955 7590 10/10/2006

WARE FRESSOLA VAN DER SLUYS &  
ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/673,059	Applicant(s) BAGGSTROM ET AL.	
	Examiner Julio R. Perez	Art Unit 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on August 07.2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2617

### **DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. Discussion on claims 21-22 follows.

### ***Claim Rejections - 35 USC § 102***

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Erving et al., US Patent Number 5,655,003 (hereinafter Erving).

Regarding claim 1, Erving discloses a device obtaining information about currently active cellular network systems (col. 1, lines 55-58; col. 2, lines 31-35, the terminal device executes a search for available cellular systems in its surroundings); and the device deciding whether to allow establishing a network connection on behalf of an application hosted by the device based on factors including the information about currently active cellular network systems (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2, in accordance with the operational instructions included within the terminal, the terminal executes the instructions to connect to the system available as the system is appropriately configured for communication as decided by the instructions to select the specific system

Art Unit: 2617

communications operating characteristics as the terminal interrogates the system settings and identifies the available system).

Regarding claim 2, Erving discloses, wherein the information about currently active cellular network systems includes information about combinations of different kinds of connections allowed by each currently active cellular network system (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 3, Erving discloses, wherein the factors also include information about connections currently in use or wherein the information about currently active cellular network systems includes information about connections currently in use (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 4, Erving discloses, wherein the information about connections currently in use includes at least the number and type of connections currently in use (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67).

Regarding claim 5, Erving discloses, further request made of a network resource controller within the device for permission to establish the network connection and the request includes an identifier corresponding to the application requesting the network connection col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2; and wherein the information about connections currently in use includes identifiers for applications using the connections currently in use, and further wherein the factors also include the identifier for the

Art Unit: 2617

application and the identifiers for applications using the connections currently in use (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claims 6, Erving discloses, wherein the factors also include the maximum amount of concurrent packet switched data allowed by the connections currently in use (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 7, Erving discloses, wherein the active cellular network systems include at least a GSM network, a WCDMA network, or a CDMA2000 network (col. 1, lines 50-55).

Regarding claim 8, Erving discloses a mobile terminal, equipped to establish a cellular network connection on behalf of an application hosted by the mobile terminal, comprising: a resource manager, responsive to a signal from the application to establish the connection, for providing a request to allow establishing the connection (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2); and a network resource control module responsive to the request to allow establishing the connection, and also responsive to information about currently active cellular systems, for determining whether to allow establishing the connection based on factors including the information about currently active cellular network systems (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2, accordingly, with the operational instructions included within the terminal, the terminal executes the instructions to connect to the

Art Unit: 2617

system available as the system is appropriately configured for communication as decided by the instructions to select the specific system communications operating characteristics as the terminal interrogates the system settings and identifies the available system).

Regarding claim 9, Erving discloses, wherein the information about currently active cellular network systems includes information about combinations of different kinds of connections allowed by each currently active cellular network system (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 10, Erving discloses, wherein the factors also include information about connections currently in use or wherein the information about currently active cellular network systems includes information about connections currently in use or wherein the information about connections currently in use includes at least the number and type of connections currently in use (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 11, Erving discloses, wherein the information about connections currently in use includes at least the number and type of connections currently in use (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 12, Erving discloses, means for making the request for permission to establish the network connection with the request including an identifier

Art Unit: 2617

corresponding to the application requesting the network connection (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2); wherein the information about connections currently in use includes identifiers for applications using the connections currently in use, and further wherein the factors also include the identifier for the application and the identifiers for applications using the connections currently in use (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claims 13, Erving discloses, wherein the factors also include the maximum amount of concurrent packet switched data allowed by the connections currently in use (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 14, Erving discloses, wherein the active cellular network systems include at least a GSM network, a WCDMA network, or a CDMA2000 network (col. 1, lines 50-55).

Regarding claim 15, Erving discloses, further comprising a cellular network information server, responsive to a request to provide the information about currently active cellular systems, for providing such information (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 16, Erving discloses, a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, with said computer program code characterized in that it includes programming instructions (col. 1, lines 37-50; col. 2, lines 31-35).



Regarding claim 17, Erving discloses, a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, with said computer program code characterized in that it includes instructions for performing the steps (col. 1, lines 37-50; col. 2, lines 31-35).

Regarding claim 18, Erving discloses, a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, with said computer program code characterized in that it includes instructions for performing the steps (col. 1, lines 37-55).

Regarding claim 19, Erving discloses, a system, comprising an operator network having at least one cellular system, and also comprising a mobile terminal (col. 1, lines 50-55).

Regarding claim 20, Erving discloses, a system, comprising an operator network having at least one cellular system, and also comprising a mobile terminal (col. 1, lines 50-55).

Regarding claim 21, Erving discloses, a mobile terminal, equipped to establish a network connection on behalf of an application hosted by the mobile terminal, comprising: means, responsive to a signal from the application to establish the connection, for providing a request to allow establishing the connection (col. 1, lines 40-49; col. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67- col. 7, lines 1-2); and means, responsive to the request to allow establishing the connection, and also responsive to information about currently active cellular systems, for determining whether to allow establishing the connection based on factors including



Art Unit: 2617

the information about currently active cellular network systems (col. 1, lines 40-49; col. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 22, Erving discloses, wherein the factors also include information about connections currently in use or wherein the information about currently active cellular network systems includes information about connections currently in use, and wherein the means for providing the request to establish the connection comprises: means for making the request for permission to establish the network connection with the request including an identifier corresponding to the application requesting the network connection (col. 1, lines 40-49; col. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2); and wherein the information about connections currently in use includes identifiers for applications using the connections currently in use, and further wherein the factors also include the identifier for the application and the identifiers for applications using the connections currently in use (col. 1, lines 40-49; col. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julio R Perez  
Examiner  
Art Unit 2617

  
9/18/06

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER